

YAVAPAI COUNTY ATTORNEY'S OFFICE
JOSEPH C. BUTNER SBN 005229
DEPUTY COUNTY ATTORNEY
255 East Gurley Street
Prescott, AZ 86301
Telephone: 928-771-3344
ycao@co.yavapai.az.us

SUPERIOR COURT
2010 AUG -9 PM 4:25 ✓
JEANNE HICKS, CLERK
BY: S. KELBAUGH

IN THE SUPERIOR COURT OF STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S REPLY TO DEFENDANT'S
RESPONSE TO STATE'S LATE
DISCLOSURE IN VIOLATION OF
ARIZONA RULE OF CRIMINAL
PROCEDURE 15.6 (72nd
SUPPLEMENTAL DISCLOSURE DATED
JULY 20, 2010)

FILED UNDER SEAL

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its Reply to Defendant's Response to State's Late Disclosure, 72nd Supplemental Disclosure dated July 20, 2010 and asks that the Response be denied. The State's position is supported by the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Yet again, Defendant's Response is little more than a restatement of all the other motions to preclude or exclude witnesses and evidence that have been filed in this case. And as the State has acknowledged on numerous occasion, as required by Rule 15.6, the State has

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DIVISION 6

1 continued to make seasonal disclosure of new or different information in this case. Additional
2 review, additional testing and requests for additional information are necessary in order to
3 ensure that every possible avenue has been explored in the State's attempt to resolve all issues.
4

5
6 ***I. Jail Calls (4 CDs)***

7 The 5 CDs were disclosed in the State's 72nd Supplemental disclosure dated July 20,
8 2010. The State continues to disclose all jail calls as a professional courtesy and in the interest
9 of a fair and level playing field.

10 Any statements the State would use from these calls would be presented in rebuttal.

11 In the Courts minute entry dated April 13, 2010, the Court directed the State to disclose
12 any additional jail recording statements it intends to use within 3 days of when the recording is
13 made or as soon as the State learns of them during the trial.
14

15 ***II. Bank Records for Carol Kennedy (25083-25097)***

16
17 The State has diligently sought to find the supporting bank documents for the Virginia
18 C. Kennedy Testamentary Trust. The bank statements show a deposit of \$256,830.56 and a
19 second deposit of \$453,984.89. Each of these deposits correlates to a life insurance policy on
20 Virginia C. Kennedy. These documents along with additional bank records will support the
21 State's theory that the Defendant murdered his ex-wife for pecuniary gain.
22

23 ***III. State's 73rd Supplemental Disclosure***

24 The State filed a Motion to use the material disclosed in the State's 73rd supplemental
25 on August 5, 2010.
26

1 **CONCLUSION:**

2 The State respectfully requests that the Court deny Defendant's Response to Prohibit
3 the State from using the evidence in the State's 72nd Supplemental disclosure, specifically the
4 Bank of America records for the Virginia Carol Kennedy Testamentary Trust.
5

6 RESPECTFULLY SUBMITTED this 9th day of August, 2010.
7

8
9 Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

10
11 By: 

12 Joseph C. Butner
13 Deputy County Attorney

14 COPIES of the foregoing delivered this
15 9th day of August, 2010 to:

16 Honorable Warren R. Darrow
17 Division 6
Yavapai County Superior Court
(via email)

18 John Sears
19 511 E. Gurley St.
20 Prescott, AZ 86301
Attorney for Defendant
21 (via email)

22 Larry Hammond
23 Anne Chapman
24 Osborn Maledon, P.A.
25 2929 North Central Ave, 21st Floor
Phoenix, AZ
Attorney for Defendant
(via email)

26 By: 